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*Attorneys for Defendant David Ivan Lustig*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES INVESTOR PROTECTION :  
CORPORATION, : Adv. Pro. No. 08-01789 (SMB)  
Plaintiff-Applicant, : SIPA LIQUIDATION  
v. : (Substantively Consolidated)  
BERNARD L. MADOFF INVESTMENT :  
SECURITIES LLC, :  
Defendant. :  
-----X  
In re: :  
BERNARD L. MADOFF, :  
Debtor. :  
-----X  
IRVING PICARD, Trustee for the Liquidation :  
of Bernard L. Madoff Investment Securities LLC, :  
Plaintiff, : Adv. Pro. No. 10-4554 (SMB)  
v. :  
NTC & CO. LLP, as former custodian of an :  
Individual Retirement Account for the benefit of :  
David Ivan Lustig; and DAVID IVAN LUSTIG, :  
Defendants. :  
-----X

**NOTICE OF MOTION TO DISMISS OR, ALTERNATIVELY, FOR A STAY**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendant's Motion to Dismiss or, Alternatively, For a Stay, the Declaration of Bryan Ha dated February 28, 2014, the exhibits thereto, and all the pleadings and proceedings heretofore had herein, defendant David Ivan Lustig, by his undersigned counsel, will move before the Honorable Stuart M. Bernstein, United States Bankruptcy Judge, at the United States Bankruptcy Court, One Bowling Green, New York, New York 10004, on a date and at a time to be determined by the Court, for an Order dismissing the Complaint pursuant to Rules 9(b) and 12(b)(1) and (6) of the Federal Rules of Civil Procedure and Rules 7009 and 7012(b) of the Federal Rules of Bankruptcy Procedure or, alternatively, staying this action pursuant to 11 U.S.C. § 105, and granting such other and further relief as the Court deems just and proper.

Dated: New York, New York  
February 28, 2014

Respectfully submitted,

LAW OFFICE OF  
RICHARD E. SIGNORELLI

By: /s/ Richard E. Signorelli

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